

REMARKS/ARGUMENTS

The Applicants have carefully considered this application in connection with the Examiner's Action and respectfully request reconsideration of this application in view of the foregoing amendment and the following remarks.

The Applicants originally submitted Claims 1-18 in the application. Previously, the Applicants added new Claims 19-20 and canceled Claims 2 and 11. At this time, the Applicants have amended Claim 1, 10 and 20. No other claims have been amended, canceled nor added. Accordingly, Claims 1, 3-10, and 12-20 are currently pending in the application.

I. Formal Matters and Objections

The Examiner has objected to the Claims as containing informalities; namely various typographical or grammatical errors. In response, the Applicants have amended Claim 20 to correct this inadvertent error. The Applicants appreciate the Examiner's diligence in finding and bringing this error to their attention.

II. Rejection of Claims 1, 3, 4-5, 7-8, 10, 12-14 and 16-17 under 35 U.S.C. §102

The Examiner has rejected Claims 1, 3, 4-5, 7-8, 10, 12-14 and 16-17 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,376,320 to Yu ("Yu"). Independent Claims 1 and 10 currently include the element of siliciding a polysilicon gate electrode to form a silicided gate electrode in a step after forming a blocking layer comprising a metal silicide, wherein the blocking

layer protects the source/drain regions from the subsequent siliciding of the polysilicon gate electrode. Yu fails to disclose this element.

Yu, in contrast to the present invention, teaches that a drain silicide 242 and source silicide 244 are formed over/in a drain contact junction 232 and a source contact junction 234, respectively. Yu then teaches that an encapsulating dielectric material 246 is formed over the drain silicide 242, source silicide 244, drain contact junction 232 and source contact junction 234 to protect those regions from the siliciding of the gate structure 216. Accordingly, it is the encapsulating dielectric material 246 of Yu that protects its drain contact junction 232 and source contact junction 234 from the siliciding of gate structure 216, as opposed to a metal silicide, as is presently claimed. Thus, Yu fails to disclose this element.

Therefore, Yu does not disclose each and every element of the claimed invention and as such, is not an anticipating reference. Because Claims 3, 4-5, 7-8, 12-14 and 16-17 are dependent upon Claims 1 and 10, Yu also cannot be an anticipating reference for these Claims. Accordingly, the Applicants respectfully request the Examiner to withdraw the §102 rejection with respect to these Claims.

III. Rejection of Claims 9 and 18 under 35 U.S.C. §103

The Examiner has rejected Claims 9 and 18 under 35 U.S.C. §103(a) as being unpatentable over Yu in view of U.S. Patent No. 6,514,859 to Erhardt, *et al.* ("Erhardt"). As previously indicated, independent Claims 1 and 10 currently include the element of siliciding a polysilicon gate electrode to form a silicided gate electrode in a step after forming a blocking layer comprising a metal

silicide, wherein the blocking layer protects the source/drain regions from the subsequent siliciding of the polysilicon gate electrode. As previously established, Yu fails to disclose this element. Yu further fails to suggest this element. Namely, Yu fails to suggest this element because Yu specifically requires that its encapsulating dielectric material 246 protect its drain contact junction 232 and source contact junction 234.

Erhardt fails to correct the deficiencies of Yu. The Examiner is offering Erhardt for the sole proposition that the polysilicon gate electrode may be fully silicided. Without even addressing whether the Examiner's proposition is accurate, a teaching or suggestion that the polysilicon gate electrode may be fully silicided is entirely different from a teaching or suggestion of siliciding a polysilicon gate electrode to form a silicided gate electrode in a step after forming a blocking layer comprising a metal silicide, wherein the blocking layer protects the source/drain regions from the subsequent siliciding of the polysilicon gate electrode, as is currently claimed. Accordingly, Erhardt also fails to teach or suggest this claimed element.

Therefore, Yu alone or in combination with Erhardt, fails to teach or suggest the invention recited in independent Claims 1 and 10 and their dependent claims, when considered as a whole. Accordingly, the combination fails to establish a *prima facie* case of obviousness with respect to these claims. Claims 9 and 18 are therefore not obvious in view of the combination.

In view of the foregoing remarks, the cited references do not support the Examiner's rejection of Claims 9 and 18 under 35 U.S.C. §103(a). The Applicants therefore respectfully request the Examiner withdraw the rejection.

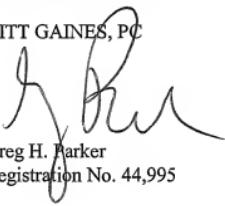
IV. Conclusion

In view of the foregoing amendment and remarks, the Applicants now see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 1, 3-10, and 12-20.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application. The Commissioner is hereby authorized to charge any fees, credits or overpayments to Deposit Account 20-0668.

Respectfully submitted,

HITT GAINES, PC


Greg H. Parker
Registration No. 44,995

Dated: February 23, 2007

P.O. Box 832570
Richardson, Texas 75083
(972) 480-8800